

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08MD1932-MU**

**IN RE FAMILY DOLLAR FLSA
LITIGATION**

Concerning Luanna Scott case

ORDER

This matter is before the Court on Plaintiff's "Motion to Dismiss Claims of Opt-In Plaintiff Annette Gutierrez" filed August 9, 2011 (Doc. No. 587.) Ms. Gutierrez has notified her counsel that she no longer wishes to pursue her claims in this case. Counsel for Family Dollar does not oppose this motion.

IT IS, THEREFORE ORDERED that:

- (1) Plaintiff's Motion to Dismiss (Doc. No. 587) is **GRANTED**. Plaintiff's claims against Family Dollar are dismissed with prejudice, with each party to bear its own fees and costs;
- (2) The Court finds that there is no just reason to delay entry of final judgment for Family Dollar with respect to Plaintiff Annette Gutierrez's claims against Family Dollar;
- (3) The Clerk is directed to enter final judgment, pursuant to Rule 54(b), for Family Dollar with respect to Plaintiff Annette Gutierrez.

SO ORDERED.

Signed: August 10, 2011

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

